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SUBJECT: ARGENTINA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. STATE 59732
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Argentina of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Argentina and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP,s Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than OOB local time Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Argentina of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Argentina,s country narrative in the 2009 TIP Report:

ARGENTINA (TIER 2 WATCH LIST)

Argentina is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Many victims are trafficked within the country, from rural areas to urban centers, for forced prostitution. Some Argentine women and girls are trafficked to neighboring countries, Mexico, and Western Europe for commercial sexual exploitation. Foreign women and children, primarily from Paraguay, Brazil, Peru, and the Dominican Republic, are trafficked to Argentina for the same purpose. A significant number of Bolivians, Paraguayans, and Peruvians are trafficked into the country for forced labor in sweatshops and agriculture. Some reporting suggests that Chinese migrants are trafficked for forced labor into Chinese-owned supermarkets. Child sex tourism is a problem, particularly in the tri-border area and in Buenos Aires. Argentina is a transit point for foreign women and girls trafficked into commercial sexual exploitation in Chile, Brazil, Mexico, and Western Europe. Argentina,s long borders make the country an easy transit area for traffickers and their victims.

The Government of Argentina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the past year, the Government of Argentina approved national legislation to prohibit and punish all forms of human trafficking, increased law enforcement efforts to arrest trafficking suspects and rescue victims, and improved government mechanisms for directing trafficking victims to shelter care and services. Despite such efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders and ensuring adequate victim assistance across the country; therefore, Argentina remains on Tier 2 Watch List.

Recommendations for Argentina: Continue to implement the new anti-trafficking law vigorously; intensify law enforcement efforts to dismantle trafficking networks; increase judicial and prosecutorial efforts to investigate, prosecute, convict, and punish trafficking offenders, including corrupt public officials who may facilitate or be involved with trafficking activity; increase investigations of forced labor and domestic servitude crimes; dedicate more resources for victim assistance; sustain anti-trafficking training for law enforcement, judges, and other public officials, including labor inspectors; and improve data collection.

Prosecution

The government demonstrated some progress in anti-trafficking law enforcement efforts last year. Argentina prohibits all forms of trafficking pursuant to Law 26,364, enacted in April 2008, which prescribes penalties of three to 15 years, imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government conducted 169 raids on suspected commercial sex sites and sweatshops, rescued 181 trafficking victims, and arrested 196

suspects. Two-thirds of victims rescued by federal law enforcement agencies were adults. The Prosecutor General's specialized Unit to Assist Investigations into Kidnapping, Extortion Crimes, and Trafficking in Persons (UFASE) also conducted 35 trafficking investigations, and forwarded 10 trafficking cases to the courts for formal investigation. No anti-trafficking convictions or sentences were reported for 2008; provincial governments secured at least 10 trafficking-related convictions, with sentences ranging from four to 17 years, imprisonment, in 2007. A Buenos Aires city court began trial proceedings against a suspect accused of forcing eight Dominican women into prostitution in a private apartment after being promised jobs as waitresses. Since the case predates the new trafficking law, the suspect was indicted on forced servitude charges. In August 2008, a Chubut provincial judge set for trial a case against a suspected human trafficker in the province. Seven co-defendants were acquitted for lack of evidence, following a ruling that wiretap evidence had been gathered illegally. Last year, the government established a first-responder office to coordinate criminal investigations and direct assistance to trafficking victims, and sponsored basic anti-trafficking training for law enforcement personnel.

According to NGOs and international organizations, some elements of the country's security forces are complicit with human trafficking activity. Most of these allegations are directed against provincial and local officials, though allegations relating to federal forces came to light during the past year. Senior Argentine officials have acknowledged these problems and are working to curb them by investigating allegations lodged against these officials. In addition, some local police officers and other public officials reportedly own brothels where trafficking is suspected to occur, or provide traffickers with protection in exchange for bribes, sexual services, food, and alcohol. Other police officers turn a blind eye to trafficking activity or tip off brothel owners about impending raids. In December 2008, a federal judge summoned police officials for deposition as part of an investigation into alleged police protection of a ring of brothels suspected of human trafficking in the city of Buenos Aires. No other government investigations or prosecutions of corrupt officials were reported last year.

Protection

The government made efforts to assist trafficking victims during the reporting period, though international organizations and NGOs provided most specialized assistance for trafficking victims. At the federal level, the Ministry of Justice's first-responder office coordinated victim assistance, offering access to medical and psychological treatment, as well as legal counseling. It also offered protection to victims who cooperated as witnesses with law enforcement investigators and prosecutors. Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers. While the government did not operate shelters dedicated to trafficking victims, it referred trafficking victims to other public shelters operated by provincial governments or local NGOs. In some cases, they provided victims with housing subsidies. Most government-funded shelters, however, were oversubscribed and could not accommodate trafficking victims. The quality and level of victim care varied widely by province. The government did not employ formal procedures for identifying trafficking victims among vulnerable populations, such as prostituted women. There were no specific reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Although the government does not offer formal immigration status for foreign trafficking victims, they are not typically deported. Trafficking victims who are citizens of Mercosur member or associate states, however, can obtain temporary residency in Argentina under Argentine immigration law. During the reporting period, the federal government continued modest funding for an anti-trafficking NGO providing shelter and assistance to victims.

Prevention

The government sustained prevention activities, and hosted two large anti-trafficking conferences with OAS and Mercosur member states. The government also funded anti-trafficking media campaigns, particularly in Misiones province. The federal government worked with international organizations and NGOs on additional prevention efforts. The city of Buenos Aires continued a prevention campaign against labor exploitation, which features a website and hotline through which citizens can report information on suspected sites of forced labor. The government provided anti-trafficking training to Argentine troops prior to their deployment on international peacekeeping operations. The government supported an anti-trafficking campaign -- "Without Clients, There is No Trafficking" -- and the President publicly called on regional governments to work to reduce demand for commercial sex acts.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008

contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."⁸

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.
(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was Argentina given a ranking of Tier 2 Watch List?

A: The Department of State is required by law to submit a report each year to the U.S. Congress on foreign

governments, efforts to eliminate trafficking in persons. This Report is the ninth annual TIP Report. The Embassy drafts a yearly update on trafficking developments in Argentina to submit to the Department of State, which then draws from that information along with information gathered from a variety of other sources for its public report on trafficking in persons.

This Report is intended to raise global awareness and spur foreign governments to take effective actions to counter all forms of trafficking in persons * a form of modern day slavery. The Report has increasingly focused the efforts of a growing community of nations to share information and to partner in new and important ways to fight human trafficking. Argentina is an active partner in that community.

In assessing foreign governments, efforts, the TIP Report highlights the "three Ps" * prosecution, protection, and prevention. Every country, including the United States, has its own trafficking problems that it must address. During the past year, the Government of Argentina has made efforts to confront the scourge of trafficking through passage of federal anti-TIP legislation; increased law enforcement efforts to arrest trafficking suspects and rescue victims; and improving mechanisms to direct trafficking victims to shelter care and services. Despite such efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders and ensuring adequate victim services and assistance across the country last year.

The U.S. Embassy will continue to work with the Government of Argentina in its efforts to strengthen its anti-trafficking regime.

Q2: What is the nature of Argentina,s trafficking problem?

A: Argentina is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Many victims are trafficked within the country, from rural areas to urban centers, for forced prostitution. Some Argentine women and girls are trafficked to neighboring countries, Mexico, and Western Europe for commercial sexual exploitation. Foreign women and children, primarily from Paraguay, Brazil, Peru, and the Dominican Republic, are trafficked to Argentina for the same purpose. A significant number of Bolivians, Paraguayans, and Peruvians are trafficked into the country for forced labor in sweatshops and agriculture. Some reporting suggests that Chinese migrants are trafficked for forced labor into Chinese-owned supermarkets. Child sex tourism is a problem, particularly in the tri-border area and in Buenos Aires. Argentina is a transit point for foreign women and girls trafficked into commercial sexual exploitation in Chile, Brazil, Mexico, and Western Europe.

Q3: How can Argentina improve its anti-trafficking efforts?

A: To advance its efforts to combat human trafficking, the Government of Argentina could: continue to implement the new anti-trafficking law vigorously; intensify law enforcement efforts to dismantle trafficking networks; increase judicial and prosecutorial efforts to investigate, prosecute, convict and punish trafficking offenders, including corrupt public officials who may facilitate or be involved with trafficking activity; increase investigations of forced labor and domestic servitude crimes; dedicate more resources for victim assistance; sustain anti-trafficking training for law enforcement, judges, and other public officials, including labor inspectors; and improve data collection.

12. The Department appreciates posts, assistance with the preceding action requests.

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